

In October 2014, Botswana—the world’s largest diamond producing country and the only one to have successive democratic elections since independence—held its 11th general election. The ruling Botswana Democratic Party (BDP) won the most seats in the tightest race in the country’s history. President Seretse Khama Ian Khama was reelected for a second term. Despite allegations of intimidation and violence against opposition party members and journalists in the run-up to the elections, the environment was largely peaceful.

The BDP faces increasing opposition, and critics accuse Khama of creeping authoritarianism. Shortly after being sworn in, the retired army general insisted that new members of parliament vote for a vice president by show of hands rather than secret ballot. This attempt to position his brother to fill the role was thwarted by a court ruling in November. Political tensions increased further in July, following the death of leading opposition party leader Gomolemo Motswaledi in a traffic accident that some believed to be a possible assassination.

In September, police officers arrested two journalists and raided the offices of the *Sunday Standard* under the auspices of a colonial-era sedition law.

Political Rights and Civil Liberties:

Political Rights: 28 / 40 [Key]

A. Electoral Process: 10 / 12

In 2008, President Festus Mogae retired before the end of his term, leaving Vice President Khama to assume the presidency. Khama is the son of Botswana’s first president. Mogae was the second successive president to resign before the end of his term, leading critics to accuse the BDP of subverting democratic institutions by prematurely stepping aside to allow the vice president to assume the presidency without a formal vote. Despite being elected indirectly by the National Assembly, the president holds significant power. The president can prolong or dismiss the legislature, which does not have the authority to impeach him. Democracy advocates have alleged that power has become increasingly centralized around Khama, with many top jobs going to military officers and family members.

Botswana’s unicameral 63-seat National Assembly, of which 57 members are directly elected, four are nominated by the president and approved by the assembly, and two (the president and the attorney general) are ex-officio members. All members as well as the president serve five-year terms and there are no term limits.

In October 2014 elections, the ruling BDP won 37 of the 57 contested seats. The Umbrella for Democratic Change (UDC) won 17 seats, and the center-left Botswana Congress Party (BCP) won the remaining 3 seats.

In 2013, President Khama broke ranks with the African Union and the Southern African Development Community (SADC) to declare that Zimbabwe’s elections were not free and fair and that Botswana would no longer participate in SADC observer missions.

B. Political Pluralism and Participation: 10 / 16

The BDP has dominated the political scene since Botswana's independence in 1966. However, factions have emerged in recent years, particularly since 2010. In 2012, the opposition parties (Botswana Movement for Democracy [BMD], Botswana National Front, and Botswana Peoples Party) coalesced under the UDC but continue to retain separate identities within constituencies. However, shuffling of legislators between the BMD and BDP diminished the former's representation in parliament and sapped it of key leaders.

In July 2014, BMD leader and Secretary of the UDC Gomolemo Motswaledi was killed in a car accident. President Khama vetoed a parliamentary request for an inquiry into the questionable circumstances surrounding his death. A UDC investigation found no evidence to support a conspiracy theory, though the suspicions added to growing criticism that the Khama administration uses violence to suppress opposition voices.

The House of Chiefs is a 35-member national body that serves in an advisory role on matters of legislation pertaining to tribal law and custom. It is primarily comprised of the country's eight major Setswana-speaking tribes. Smaller groups tend to be left out of the political process. Under the Territories Act, land in ethnic territory is distributed under the jurisdiction of majority groups. Due in part to their lack of representation in the House of Chiefs, minority groups are subject to patriarchal Tswana customary law despite having their own traditional rules for inheritance, marriage, and succession.

C. Functioning of Government: 8 / 12

Botswana's anticorruption body has special powers of investigation, arrest, and search and seizure, and the body generally boasts a high conviction rate. Nevertheless, there are almost no restrictions on the private business activities of public servants (including the president, who is a large stakeholder in the tourism sector), and political ties often play a role in awarding government jobs and tenders. Botswana was ranked 31 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. Despite this, President Khama has shielded a number of high-profile allies from indictment and prosecution.

Botswana does not have a freedom of information law, and critics accuse the government of excessive secrecy.

Civil Liberties: 45 / 60 (-1)

D. Freedom of Expression and Belief: 12 / 16 (-1)

Botswana has a free and vigorous press, with several independent newspapers and magazines. The private Gaborone Broadcasting Company (GBC) television system and two private radio stations have limited reach, with the result that the country relies on broadcasts from neighboring South Africa. State-owned outlets dominate the local broadcast media, which reach far more residents than the print media, yet provide inadequate access to the opposition and government critics. The country's only broadsheet printing company reportedly has commercial ties to senior BDP officials and has been accused of pre-publication censorship. The 2008 Media Practitioners Act, which placed all media under government

regulation and opened violations to criminal prosecution, has not yet been implemented due to legal challenges. The government does not restrict internet access, though access is rare outside cities.

The Penal Code proscribes that the publication of articles likely to cause disaffection or hostility towards the president is a criminal offence. In September 2014 Edgar Tsimane and Outsa Makone, journalist and editor for the *Sunday Standard*, were arrested and charged with sedition for publishing an article about President Khama's alleged car accident due to speeding. After being detained for 23 hours, Tsimane fled to South Africa seeking temporary asylum. Makone was released pending a court hearing. On September 9, the director of intelligence services raided the offices of the *Sunday Standard* searching for "seditious" materials.

Freedom of religion is guaranteed, but all religious organizations must register with the government. Academic freedom is generally respected. In July 2014, the University of Botswana banned political parties from working with students or backing them in elections to the student representative council.

Private discussion is generally free in Botswana. However, reports of increasing electronic surveillance, rogue intelligence agents, and lack of proper oversight mechanisms for spy agencies have contributed to a growing climate of suspicion and have reportedly dampened private discussion.

E. Associational and Organizational Rights: 10 / 12

The government generally respects the constitutional rights of assembly and association. Nongovernmental organizations (NGOs), including human rights groups, operate openly without harassment. However, the government has barred organizations supporting the rights of the San (an indigenous tribal population) from entering the Central Kgalagadi Game Reserve (CKGR), the subject of a long-running land dispute. Demonstrations at the reserve have been forcibly dispersed.

While independent labor unions are permitted, workers' rights to strike and bargain collectively are dependent upon the type of service they render. In 2012, labor unions appealed to the International Labour Organization (ILO) concerning restrictions in the country, including the 2009 deregistration of the Botswana Federation of Public Sector Unions umbrella group. The case remained pending at the end of 2014.

F. Rule of Law: 12 / 16

The 2014 Mo Ibrahim Index ranked Botswana first in Africa for upholding the rule of law. The courts are generally considered to be fair and free of direct political interference (with the prominent exception of high-profile corruption charges), though the legal system is affected by staffing shortages and a large backlog of cases. Trials are usually public, and those accused of the most serious violent crimes are provided with attorneys. Civil cases, however, are sometimes tried in customary courts, where defendants have no right to legal counsel. According to a 2013 Court of Appeal ruling, a customary law that favored a youngest-born son over older sisters in awarding inheritance is unconstitutional. The ruling set a precedent for the supremacy of civil over customary law.

Security forces have been accused of politically motivated extrajudicial killings in the past, and the shooting of Costa Kalafatis in December 2013 by security police in unclear circumstances revived concerns about violence by security personnel. Occasional reports of police abuse to obtain evidence or confessions have

been reported. Botswana uses corporal and capital punishment, a practice that has been criticized by rights groups and has soured relations between Botswana and South Africa since the deportation of murder suspect Edwin Samotse from South Africa against that country's law.

Prisoners suffer from poor health conditions, though the government has responded by building new facilities and providing free HIV and AIDS treatment to inmates. Following a landmark 2013 ruling in a legal case legislated by two prisoners and supported by the Botswana Network on Ethics, Law and HIV and AIDS (BONELA), foreign prisoners incarcerated in Botswana receive free antiretroviral therapy.

The San tend to be marginalized in education and employment opportunities. Migrants from Zimbabwe continue to face xenophobia and are often denied salaries by being deported just before pay day. Immigration policies in place since 2010 were designed to halt the flow of undocumented immigrants into the country, mostly from Zimbabwe. Botswana has built a fence along its border with that country, ostensibly to control foot-and-mouth disease among livestock; it is widely supported as a means of halting illegal immigration. Following the 2013 Zimbabwean elections, the government stopped granting refugee status to asylum seekers, stating it no longer necessary as the political situation in Zimbabwe had improved.

While same-sex sexual activity is not explicitly criminalized, "unnatural offences" are punishable by up to seven years in prison. However, there were no reported cases during 2014. A 2010 amendment to the Employment Act outlaws workplace dismissal based on an individual's sexual orientation or HIV status. In 2013, representatives of the NGO Lesbians, Gays and Bisexuals of Botswana (LEGABIBO) filed a case with the High Court of Botswana seeking review of a decision by the director of civil and national registration and the minister of labour and home affairs denying them registration. In November 2014, in a landmark ruling that will secure future rights of the LGBT (lesbian, gay, bisexual, and transgender) community, the Botswana High court determined that the government cannot deny an LGBT group registration.

G. Personal Autonomy and Individual Rights: 11 / 16

Since 1985, authorities have relocated about 5,000 San to settlements outside the CKGR. The government insists that the San have been relocated to give them access to modern education and health facilities, rejecting claims that the government wants unrestricted access to diamond reserves in the region. A judicial panel ordered the government to allow the San to return to the CKGR in 2006, and several hundred San have since returned. However, disagreement remains as to how many will be allowed to live in the reserve, and relatives of those involved in the case are not allowed to enter the area without a permit. In January 2014, the San lost rights to hunt in Botswana, effectively denying them a way of life. In October it was alleged that as many as 200 San people have faced beatings, abuse, and arbitrary arrests by police and park rangers.

With the exception of the restrictions imposed on the San, citizens of Botswana generally enjoy freedom of travel and internal movement. Botswana's regulatory framework is considered conducive to establishing and operating private businesses.

Women are underrepresented in the government. Since the 2014 elections, women make up 9 percent of the National Assembly. Women enjoy the same rights as men under the constitution, but customary laws limit their property rights, and women married under traditional laws have the same legal status as minors. The 2004 Abolition of Marital Powers Act established equal control of marriage estates and equal custody of children, removed restrictive domicile rules, and set the minimum marriage age at 18. However,

enforcement of the act is not uniform and generally requires the cooperation of traditional authorities, which is not always forthcoming.

Domestic violence and trafficking for the purposes of prostitution and labor remain significant problems.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)